

110TH CONGRESS
2D SESSION

S. 2516

AN ACT

To assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kendell Frederick Citi-
3 zenship Assistance Act”.

4 **SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMA-**
5 **TION FOR MEMBERS OF THE UNITED STATES**
6 **ARMED FORCES.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, including section 552a of title 5, United States
9 Code (commonly referred to as the “Privacy Act of
10 1974”), the Secretary of Homeland Security shall use the
11 fingerprints provided by an individual at the time the indi-
12 vidual enlisted in the United States Armed Forces, or at
13 the time the individual filed an application for adjustment
14 of status, to satisfy any requirement for background and
15 security checks in connection with an application for natu-
16 ralization if—

17 (1) the individual may be naturalized pursuant
18 to section 328 or 329 of the Immigration and Na-
19 tionality Act (8 U.S.C. 1439, 1440);

20 (2) the individual was fingerprinted and pro-
21 vided other biometric information in accordance with
22 the requirements of the Department of Defense at
23 the time the individual enlisted in the United States
24 Armed Forces;

25 (3) the individual—

1 (A) submitted an application for natu-
2 ralization not later than 24 months after the
3 date on which the individual enlisted in the
4 United States Armed Forces; or

5 (B) provided the required biometric infor-
6 mation to the Department of Homeland Secu-
7 rity through a United States Citizenship and
8 Immigration Services Application Support Cen-
9 ter at the time of the individual's application
10 for adjustment of status if filed not later than
11 24 months after the date on which the indi-
12 vidual enlisted in the United States Armed
13 Forces; and

14 (4) the Secretary of Homeland Security deter-
15 mines that the biometric information provided, in-
16 cluding fingerprints, is sufficient to conduct the re-
17 quired background and security checks needed for
18 the applicant's naturalization application.

19 (b) MORE TIMELY AND EFFECTIVE ADJUDICA-
20 TION.—Nothing in this section precludes an individual de-
21 scribed in subsection (a) from submitting a new set of bio-
22 metric information, including fingerprints, to the Sec-
23 retary of Homeland Security with an application for natu-
24 ralization. If the Secretary determines that submitting a
25 new set of biometric information, including fingerprints,

1 would result in more timely and effective adjudication of
2 the individual's naturalization application, the Secretary
3 shall—

4 (1) inform the individual of such determination;
5 and

6 (2) provide the individual with a description of
7 how to submit such biometric information, including
8 fingerprints.

9 (c) COOPERATION.—The Secretary of Homeland Se-
10 curity, in consultation with the Secretary of Defense, shall
11 determine the format of biometric information, including
12 fingerprints, acceptable for usage under subsection (a).
13 The Secretary of Defense, or any other official having cus-
14 tody of the biometric information, including fingerprints,
15 referred to in subsection (a), shall—

16 (1) make such prints available, without charge,
17 to the Secretary of Homeland Security for the pur-
18 pose described in subsection (a); and

19 (2) otherwise cooperate with the Secretary of
20 Homeland Security to facilitate the processing of ap-
21 plications for naturalization under subsection (a).

22 (d) ELECTRONIC TRANSMISSION.—Not later than
23 one year after the date of the enactment of this Act, the
24 Secretary of Homeland Security shall, in coordination with
25 the Secretary of Defense and the Director of the Federal

1 Bureau of Investigation, implement procedures that will
2 ensure the rapid electronic transmission of biometric infor-
3 mation, including fingerprints, from existing repositories
4 of such information needed for military personnel applying
5 for naturalization as described in subsection (a) and that
6 will safeguard privacy and civil liberties.

7 (e) CENTRALIZATION AND EXPEDITED PROC-
8 ESSING.—

9 (1) CENTRALIZATION.—The Secretary of
10 Homeland Security shall centralize the data proc-
11 essing of all applications for naturalization filed by
12 members of the United States Armed Forces on ac-
13 tive duty serving abroad.

14 (2) EXPEDITED PROCESSING.—The Secretary
15 of Homeland Security, the Director of the Federal
16 Bureau of Investigation, and the Director of Na-
17 tional Intelligence shall take appropriate actions to
18 ensure that applications for naturalization by mem-
19 bers of the United States Armed Forces described in
20 paragraph (1), and associated background checks,
21 receive expedited processing and are adjudicated
22 within 180 days of the receipt of responses to all
23 background checks.

1 **SEC. 3. PROVISION OF INFORMATION ON MILITARY NATU-**
2 **RALIZATION.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 effective date of any modification to a regulation related
5 to naturalization under section 328 or 329 of the Immi-
6 gration and Nationality Act (8 U.S.C. 1439, 1440), the
7 Secretary of Homeland Security shall make appropriate
8 updates to the Internet sites maintained by the Secretary
9 to reflect such modification.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Secretary of Homeland Security, not later
12 than 180 days after each effective date described in sub-
13 section (a), should make necessary updates to the appro-
14 priate application forms of the Department of Homeland
15 Security.

16 **SEC. 4. REPORTS.**

17 (a) ADJUDICATION PROCESS.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Homeland Security shall submit a report to
21 the appropriate congressional committees on the en-
22 tire process for the adjudication of an application for
23 naturalization filed pursuant to section 328 or 329
24 of the Immigration and Nationality Act (8 U.S.C.
25 1439, 1440), including the process that—

1 (A) begins at the time the application is
2 mailed to, or received by, the Secretary, regard-
3 less of whether the Secretary determines that
4 such application is complete; and

5 (B) ends on the date of the final disposi-
6 tion of such application.

7 (2) CONTENTS.—The report submitted under
8 paragraph (1) shall include a description of—

9 (A) the methods used by the Secretary of
10 Homeland Security and the Secretary of De-
11 fense to prepare, handle, and adjudicate such
12 applications;

13 (B) the effectiveness of the chain of au-
14 thority, supervision, and training of employees
15 of the Federal Government or of other entities,
16 including contract employees, who have any role
17 in such process or adjudication; and

18 (C) the ability of the Secretary of Home-
19 land Security and the Secretary of Defense to
20 use technology to facilitate or accomplish any
21 aspect of such process or adjudication and to
22 safeguard privacy and civil liberties

23 (b) IMPLEMENTATION.—

24 (1) STUDY.—The Comptroller General of the
25 United States and the Inspector General of the De-

1 partment of Homeland Security shall conduct a
2 study on the implementation of this Act by the Sec-
3 retary of Homeland Security and the Secretary of
4 Defense, including an assessment of any technology
5 that may be used to improve the efficiency of the
6 naturalization process for members of the United
7 States Armed Forces and an assessment of the im-
8 pact of this Act on privacy and civil liberties.

9 (2) REPORT.—Not later than 180 days after
10 the date on which the Secretary of Homeland Secu-
11 rity submits the report required under subsection
12 (a), the Comptroller General and the Inspector Gen-
13 eral shall submit a report to the appropriate con-
14 gressional committees on the study required by para-
15 graph (1) that includes recommendations for im-
16 proving the implementation of this Act.

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “appropriate congres-
19 sional committees” means—

20 (1) the Committee on Armed Services of the
21 Senate;

22 (2) the Committee on Homeland Security and
23 Governmental Affairs of the Senate;

24 (3) the Committee on the Judiciary of the Sen-
25 ate;

1 (4) the Committee on Armed Services of the
2 House of Representatives;

3 (5) the Committee on Homeland Security of the
4 House of Representatives; and

5 (6) the Committee on the Judiciary of the
6 House of Representatives.

Passed the Senate March 11, 2008.

Attest:

Secretary.

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